

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 3, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-16143 - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0-1/se vote) and staff recommend DENIAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Stealth Design use.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a wireless communications facility, stealth design at a residential adjacency of 68.2-feet from the rear property line where 210-feet is the minimum setback required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
	The Planning Commission recommended denial of companion item VAR-16144 concurrently with this application.
10/05/06	The Planning Commission voted 6-0-1/se to recommend DENIAL (PC Agenda Item #44/ar).
<i>Related Building Permits/Business Licenses</i>	
1958	The church on the site was constructed
<i>Pre-Application Meeting</i>	
08/02/06	Staff explained the requirements for this application
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.82

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church	L (Low Density Residential)	C-V (Civic)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Church	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V Civic District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	210 Feet	68.2 Feet	N
Adjacent development matching setback	15 Feet	68.2 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	300 Fixed Seats	1 sp/ 4 fixed seats	75 spaces	3 spaces	113 spaces	3 spaces	Y
TOTAL (including handicap)			75	3	113	3 spaces	Y*

*The placement of equipment associated with the cellular tower will result in a reduction in the amount of on-site parking from 116 to 113 spaces, which still is in compliance with the zoning code.

ANALYSIS

The existing church is a permitted use in the C-V zoning district. The cell tower is a permitted use upon either an administrative approval or approval of a Special Use Permit. Because of the adjacent residential development and non-compliance with the residential adjacency standards, this proposed tower location was deemed to be unsuitable for an administrative approval, and the applicant was directed to file a Special Use Permit application and a Variance application related to residential adjacency.

The proposed stealth antenna is located on the southwest portion of the subject C-V zoned parcel. It is a monopalm design at a height of 70 feet to the top of fronds. Title 19.08.060 states that a Wireless Communication Facility, Stealth Design, be separated from residential uses by proximity slope of 3:1. This requires the proposed 70-foot antennae to be located 210 feet from the adjoining R-1 (Single Family Residence) property. The submitted site plan indicates that a setback of 68.2 feet is provided. This use is not compatible with the C-V and R-1 developments in the surrounding area; therefore denial is recommended.

FINDINGS

The following findings must be made for a Special Use Permit:

1. "The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."
2. "The subject site is physically suitable for the type and intensity of land use proposed."
3. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."
4. "Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."

In regard to "1":

The proposed 70 foot tower would not be compatible with the adjacent mature residential development.

In regard to "2":

The site is developed with a church and is not suitable for the placement of a cellular communication facility.

In regard to “3”:

This requirement is not applicable because the wireless communication tower will not attract additional traffic to the site.

In regard to “4”:

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 395 by City Clerk

APPROVALS 0

PROTESTS 1